

Application No.: 10/664,165
Art Unit 1625
Reply to Office Action dated January 27, 2005

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Status of the Claims

In the present Reply, claims 17 and 22 have been amended herein. Claims 1-11 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Claims 12-16 and 17-22, in part, are withdrawn from consideration. Thus, claims 12-23 are pending in the present application.

No new matter has been added to the present application. Support for the amendment to claim 17 can be found in the specification at page 15, lines 30-36. The amendment to claim 22 actually deletes subject matter. Thus, no new matter has been added.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims

Priority Under 35 U.S.C. § 119

The Office Action indicates that acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119, but that none of the certified copies of the priority documents have been received. Applicants submit that certified copies of the priority documents were filed in the

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USPTO on July 20, 2004. A copy of the Letter submitting the certified copies to the USPTO and a copy of the date-stamped postcard are attached. Applicants note that there might be some delay not caused by any fault of Applicants. Thus, acknowledgement of the receipt of the certified priority documents is respectfully requested.

Issues Under 35 U.S.C. § 112, First Paragraph

Claims 17 and 22 are rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of enablement (see pages 4-9 of the Office Action). This rejection is respectfully traversed, and reconsideration and withdrawal of this rejection are respectfully requested.

Claims 17 and 22 have been amended to delete the term “prevention.” Thus, it is believed that the rejection has been overcome and/or rendered moot. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. § 112, Second Paragraph

Claims 17-23 are rejected under 35 U.S.C. § 112, second paragraph for a reason of indefiniteness (see starting at page 9 of the Office Action). This rejection is respectfully traversed, and reconsideration and withdrawal thereof are respectfully requested.

Applicants respectfully refer the Examiner to the scope of the disputed claims as presented herein. In particular, Claim 17 no longer recites the opening of potassium channels. Instead, claim 17 recites the “treatment of hypertension including essential hypertension, tonic bladder, disturbances of peripheral circulation, airway hyperresponsiveness, sensory neuron

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hypersensitivity, central spasm or ischemic central nervous system disorder.” The Examiner indicates that there is enablement for the treatment of essential hypertension, tonic bladder, airway hyperresponsiveness and ischemic central nervous disorder (see the sentence bridging pages 4-5 of the Office Action). Further, claims 17 and 22 do not recite “prevention.” Thus, Applicants respectfully submit that this rejection has been overcome, and/or rendered moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

Applicants appreciate the Examiner’s consideration given to the elected subject matter and the indicated allowable subject matter (at page 10 of the Office Action). It is respectfully submitted that all rejections have been overcome, and thus Applicants request an indication of allowable subject matter.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, or in an effort to advance prosecution, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

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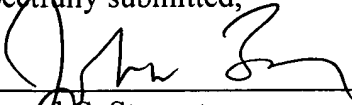
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additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: May 27, 2005

Respectfully submitted,

By  #32,881

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Enclosures:

Copy of Letter Submitting Certified Copies of Priority Documents

Date-stamped Postcard